

Serial No. : 07/715,397

REMARKS

The present response is believed fully to meet all of the objections and rejections set forth in Paper No. 18. Claims 1 and 3 have been amended to further describe the claimed invention. Claims 2 and 4-8 have been withdrawn without prejudice to Applicants' right to pursue the claimed subject matter in a timely-filed continuation application. The withdrawal/cancellation of claims 2 and 4-8 is made in the interest of administrative efficiency and is not to be construed as an abandonment of the subject matter or an acquiescence to any grounds for rejection that may be outstanding in application Serial No. 07/715,397.

Therefore, claims 1 and 3 are currently pending. Applicants believe that no new matter is presented by the within amendments.

I. The Written Description Issue

Applicants gratefully appreciate the Examiner's effort in assigning filing dates to each of the claims. At the same time, Applicants do not agree with such filing date assignments with regard to claims 2 and 4-8. However, in view of the present cancellation of claims 2 and 4-8, it is respectfully submitted that the issue is now moot.

II. The Withdrawn Rejections

Applicants gratefully acknowledge the Examiner's withdrawal of the §112, first paragraph rejection of claims 1-5 and withdrawal of the §102/103 rejection of claim 1 in view of Ono, et al.

III. The §1.821(d) Requirement

Applicants appreciate the acknowledgment that Applicants have

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complied with the Sequence Rules to the extent of filing a sequence listing and a computer readable form of said listing.

The Examiner then urged that claim 8 failed to give SEQ ID NOS for three species and requested that this information be included. In view of the fact that claim 8 has now been withdrawn, Applicants respectfully traverse this requirement as moot.

IV. The §103 Rejection

The Examiner maintained the rejection of claims 1 and 3 under 35 USC §103 as being unpatentable over the Jackson patent. Applicants respectfully disagree with and traverse this rejection.

On page 11 of the Action, the Examiner stated that "it should be noted that claims 1 and 3 would be allowable with a deletion of 'Y' as a substitution for the U variable and with the filing of a Terminal Disclaimer". Therefore, in view of the fact that Applicants have now amended claims 1 and 3 to specify that the variable identified as "U" may be "independently selected from the group consisting of V, I, L, C and F", as suggested by the Examiner, Applicants respectfully aver that this rejection may now be withdrawn.

V. The Provisional Double-Patenting Rejection

The Examiner rejected claims 1, 3, 7, and 8 as being unpatentable over claims 18 and 35-39 of copending application Serial No. 07/293,201. Applicants respectfully disagree with and traverse this rejection.

Nevertheless, in the interest of promoting administrative efficiency, Applicants submit herewith a Terminal Disclaimer

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applying to pending claims 1 and 3 herein to obviate the basis of said rejection. Therefore, Applicants respectfully request that this provisional rejection be withdrawn.

VI. The §103 Rejection

The Examiner rejected claims 2 and 4-8 under 35 USC §103 as being unpatentable over Applicants' copending published PCT application No. W089/06657. Applicants respectfully disagree with and traverse this rejection.

In view of the fact that Applicants have now withdrawn claims 2 and 4-8 without abandoning the subject matter thereof or acquiescing to the aforementioned grounds for rejection, they respectfully request that this rejection be withdrawn as moot.

VII. The Provisional Obviousness-Type Double-Patenting Rejection

Claims 2 and 4-8 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over claims 18 and 35-39 of Applicants' copending application Serial No. 07/293,201 in view of published PCT application No. W089/06657. Applicants respectfully disagree with and traverse this rejection.

While Applicants cannot agree that claims 2 and 4-8 are obvious over the cited claims of the copending application, in view of the fact that Applicants have now withdrawn claims 2 and 4-8 without abandoning the subject matter thereof or acquiescing to the aforementioned grounds for rejection, they respectfully request that this rejection be withdrawn as moot.

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VIII. The §102(b) Rejection

Finally, claims 7 and 8 were rejected as anticipated by published PCT application No. WO89/06657 (Cochrane, et al.). Applicants respectfully disagree with and traverse this rejection.

In view of the present withdrawal of claims 7 and 8, Applicants believe this rejection is now mooted. Therefore, Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that patentable subject matter exists with regard to claims 1 and 3 as herein amended and favorable action in connection therewith is respectfully requested. Should any matters remain that might be resolved by telephone, the Examiner is courteously invited to contact the undersigned at the number given below.

Respectfully submitted,

Dated: Dec. 3, 1992

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